

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 3:19-md-02913-WHO

Honorable William H. Orrick

This Document Relates to:

JURY TRIAL DEMANDED

Gaspare Valentino

SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL
(PERSONAL INJURY)

The Plaintiff named below files this *Short-Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2913 in the United States District Court for the Northern District of California. Plaintiff files this *Short-Form Complaint* as permitted by Case Management Order No. 7 of this Court.

Plaintiff selects and indicates by checking-off where requested, the Parties and Causes of Actions specific to this case.¹

Plaintiff, by and through their undersigned counsel, allege as follows:

¹ If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may attach additional pages to this *Short-Form Complaint*.

1 **I. DESIGNATED FORUM²**

- 2 1. Identify the Federal District Court in which the Plaintiff would have filed in the
3 absence of direct filing:

4 District of New Jersey

5 _____
6 (“Transferee District Court”).

7 **II. IDENTIFICATION OF PARTIES**

8 **A. PLAINTIFF(S)**

- 9 2. *Injured Plaintiff(s)*: Name of the individual injured due to use of JUUL products:

10 Guspare Valentino

11 _____
12 (“Plaintiff”).

- 13 3. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides at:

14 Freehold, New Jersey

- 15 4. *Consortium Plaintiff*: Name of the individual(s) that allege damages for loss of
16 consortium:

17 N/A

18 _____
19 (“Consortium Plaintiff”).

- 20 5. *Survival and/or Wrongful Death Claims*:

- 21 (a) Name and residence of Decedent Plaintiff when he/or she suffered a JUUL
22 related death:

23 N/A

- 24 (b) Plaintiff/Decedent died on:

25 N/A

26 **B. DEFENDANT(S)**

- 27 6. Plaintiff(s) name(s) the following Defendants in this action

28 ² See Case Management Order No. 3, at II(C) (ECF No. 309).

☒ JUUL LABS, INC., previously d/b/a as PAX LABS, INC. and PLOOM INC.;³

☒ ALTRIA GROUP, INC.;⁴

☒ PHILIP MORRIS USA, INC.;⁵

☐ ALTRIA CLIENT SERVICES LLC;⁶

☐ ALTRIA GROUP DISTRIBUTION COMPANY;⁷

☐ ALTRIA ENTERPRISES LLC;⁸

THE MANGEMENT DEFENDANTS

☐ JAMES MONSEES;⁹

☐ ADAM BOWEN;¹⁰

☐ NICHOLAS PRITZKER;¹¹

☐ HOYOUNG HUH;¹²

☐ RIAZ VALANI;¹³

THE E-LIQUID MANUFACTURING DEFENDANTS

☐ MOTHER MURPHY'S LABS, INC.;¹⁴

³ Delaware corporation, with its principal place of business in San Francisco, California.

⁴ Virginia corporation, with its principal place of business in Richmond, Virginia.

⁵ Virginia corporation with its principal place of business in Richmond, Virginia.

⁶ Virginia limited liability company with its principal place of business in Richmond, Virginia.

⁷ Virginia corporation with its principal place of business in Richmond, Virginia.

⁸ Virginia limited liability company with its principal place of business in Richmond, Virginia.

⁹ A resident of California.

¹⁰ A resident of California.

¹¹ A resident of California.

¹² A resident of California.

¹³ A resident of California.

¹⁴ North Carolina corporation, with a principal place of business in North Carolina.

☐ ALTERNATIVE INGREDIENTS, INC.;¹⁵

☐ TOBACCO TECHNOLOGY, INC.;¹⁶

☐ eLIQUITECH, INC.;¹⁷

THE DISTRIBUTOR DEFENDANTS

☒ MCLANE COMPANY, INC.;¹⁸

☒ EBY-BROWN COMPANY, LLC;¹⁹

☒ CORE-MARK HOLDING COMPANY, INC.;²⁰

THE RETAILER DEFENDANTS

☐ CHEVRON CORPORATION;²¹

☐ CIRCLE K STORES INC.;²²

☐ SPEEDWAY LLC;²³

☐ 7-ELEVEN, INC.;²⁴

☐ WALMART;²⁵

☐ WALGREENS BOOTS ALLIANCE, INC.²⁶

C. PRODUCT USE

¹⁵ North Carolina corporation, with a principal place of business in North Carolina.

¹⁶ Maryland corporation, with a principal place of business in Maryland.

¹⁷ Maryland corporation, with a principal place of business in Maryland.

¹⁸ Texas corporation with a principal place of business in Texas.

¹⁹ Delaware limited liability company with a principal place of business in Illinois.

²⁰ Delaware corporation. From 2015-2018, principal place of business California; as of 2019, principal place of business Texas.

²¹ Delaware corporation with a principal place of business in California.

²² Texas corporation with a principal place of business in Arizona.

²³ Delaware corporation with a principal place of business in Ohio.

²⁴ Texas corporation with a principal place of business in Texas.

²⁵ Delaware corporation with a principal place of business in Arkansas.

²⁶ Delaware corporation with a principal place of business in Illinois.

7. Plaintiff used JUUL during the time period including from October 2017 to present and that use caused and or substantially contributed to his/her injury.

D. PHYSICAL INJURY²⁷

8. The Plaintiff(s) experienced the following physical condition, injury or illness alleged to have been caused and or contributed to as a substantial factor by JUUL:

☒ ADDICTION

☐ NICOTINE POISONING

☐ BEHAVIORAL ISSUES/MENTAL HEALTH

☐ ANGER/OUTBURSTS

☐ MOOD SWINGS

☐ IRRITABILITY

☐ SUICIDAL THOUGHTS

☐ SUICIDAL ATTEMPTS

☐ DEATH BY SUICIDE

☐ OTHER (specify): _____

☐ COGNITIVE ISSUES

☐ ATTENTION DEFICIT DISORDER

☐ LEARNING IMPAIRMENTS

☐ LACK OF CONCENTRATION

☐ TROUBLE SLEEPING

☐ OTHER _____

☐ CARDIOVASCULAR

²⁷ Plaintiff(s) must check-off all physical injuries allegedly caused by Plaintiff's use of JUUL. Plaintiff is not required to plead here emotional or psychological injuries, or all manifestations of the physical injury alleged which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes that emotional and psychological damages are asserted by the Plaintiff.

- ☐ HEART ATTACK
☐ OTHER CARDIOVASCULAR DIAGNOSIS
-

☐ NEUROLOGIC

☐ SEIZURES

☐ STROKE

☒ RESPIRATORY/LUNG

☐ ACUTE EOSINOPHILIC PNEUMONIA/PULMONARY EOSINOPHILIA

☐ ACUTE INTERSTITIAL PNEUMONITIS OR ACUTE PNEUMONIA

☐ ACUTE RESPIRATORY DISTRESS SYNDROME (ARDS)

☐ ASTHMA

☐ BRONCHITIS

☒ CHRONIC LUNG PROBLEMS

☐ CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)

☐ E-CIGARETTE, OR VAPING, PRODUCT USE ASSOCIATED LUNG INJURY (EVALI)

☐ EMPHYSEMA

☐ LIPOID PNEUMONIA

☐ LUNG TRANSPLANT

☐ OTHER SPECIFIED INTERSTITIAL PULMONARY DISEASE

☐ PNEUMONIA (any type) _____

☐ POPCORN LUNG/BRONCHIOLITIS OBLITERANS

☐ DEATH

☒ OTHER PERSONAL INJURIES (specify): _____

Daily and constant chest tightness, difficulty breathing, and shortness of breath

9. The physical condition, injury or illness alleged in paragraph 7 occurred on or about:
Fall of 2017

V. CAUSES OF ACTION ASSERTED

10. The following Causes of Action asserted in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, and the allegations with regard thereto in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, are adopted in this *Short Form Complaint* by reference:

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	I	STRICT LIABILITY - DESIGN DEFECT
<input checked="" type="checkbox"/>	II	STRICT LIABILITY - FAILURE TO WARN
<input type="checkbox"/>	III	STRICT LIABILITY - MANUFACTURING DEFECT
<input type="checkbox"/>	IV	PRODUCTS LIABILITY - NEGLIGENT DESIGN
<input type="checkbox"/>	V	PRODUCTS LIABILITY - NEGLIGENT FAILURE TO WARN
<input type="checkbox"/>	VI	PRODUCTS LIABILITY - NEGLIGENT MANUFACTURING
<input checked="" type="checkbox"/>	VII	NEGLIGENCE AND/OR GROSS NEGLIGENCE
<input type="checkbox"/>	VIII	NEGLIGENT FAILURE TO RECALL/ RETROFIT
<input type="checkbox"/>	IX	NEGLIGENT MISREPRESENTATION
<input checked="" type="checkbox"/>	X	FRAUD
<input type="checkbox"/>	XI	FRAUDULENT CONCEALMENT
<input type="checkbox"/>	XII	CONSPIRACY TO COMMIT FRAUD
<input checked="" type="checkbox"/>	XIII	UNJUST ENRICHMENT
<input checked="" type="checkbox"/>	XIV	VIOLATION OF UNFAIR TRADE PRACTICES/CONSUMER PROTECTION LAW and specify which state's statute below New Jersey Consumer Fraud Act (N.J.S.A. § 56:8-1, et seq.); New Jersey Products Liability Act (N.J.S.A. § 2A:58C-1 et seq.); N.J.A.C. § 13:45A-9.1 et seq.
<input checked="" type="checkbox"/>	XV	BREACH OF EXPRESS WARRANTY

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	XVI	BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY
<input type="checkbox"/>	XVII	WRONGFUL DEATH
<input type="checkbox"/>	XVIII	SURVIVAL ACTION
<input type="checkbox"/>	XIX	LOSS OF CONSORTIUM

1 **VI. ADDITIONAL CAUSES OF ACTION**

2 **NOTE**

3 If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the
4 specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying
5 with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may
6 attach additional pages to this *Short-Form Complaint*.

7 11. Plaintiff(s) assert(s) the following additional theories against the Defendants
8 designated in paragraph 6 above:

18 **WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants for
19 compensatory, treble, and punitive damages, medical monitoring to diagnose JUUL induced injuries
20 at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together
21 with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and
22 such further relief as the Court deems equitable and just, and as set forth in the *Plaintiffs'*
23 *Consolidated Master Complaint (Personal Injury)*.
24
25
26
27
28

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all claims in this action.

**JAVERBAUM WURGAFT HICKS
KAHN WIKSTROM & SININS, P.C.**

By: /s/ Michael A. Galpern

Michael A. Galpern

Zachary M. Green

KLAFTER OLSEN & LESSER

By: /s/ Seth R. Lesser

Seth R. Lesser

Morgan M. Stacey

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